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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,359	06/28/2001	Brian Fain	00772	7530

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EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/04/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,359

Applicant(s)

FAIN ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13, 15-20 and 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasan (U.S. Patent No. 5,185,782).

Regarding claim 1, Srinivasan teaches a system for providing a call back option to a customer of a call center, comprising:

a telecommunications switch (Fig. 1, 100);

an automatic call distributor (Fig. 1, 101) in communication with the telecommunications switch via first and second communications links (Fig. 1, 105);

means for providing the customer with a call back option in response to a first call (incoming call) from the customer, wherein the first call is routed to the automatic call distributor by the telecommunications switch over the first communications link (column 3, line 50 through column 4, line 34); and

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means for establishing a second call (outgoing call) between the automatic call distributor and the customer over the second communications link when the customer accepts the call back option (column 7, lines 26-41).

Regarding claim 2, Srinivasan further teaches the system wherein the means for providing the customer with a call back option includes means for providing the customer with a call back option when the call center is busy (column 2, lines 23-30).

Regarding claim 3, Srinivasan further teaches the system wherein the means for providing the customer with a call back option when the call center is busy includes means for providing the customer with a call back option based on the time of the first call from the customer (column 2, lines 15-18).

Regarding claim 4, Srinivasan further teaches the system wherein the means for providing the customer with a call back option when the call center is busy includes means for providing the customer with a call back option based on an indication from the call center (column 4, lines 57-67).

Regarding claim 5, Srinivasan further teaches the system wherein the means for providing the customer with a call back option includes means for playing a message for the customer regarding the call back option and for determining whether the customer accepts the call back option (column 5, lines 1-16).

Regarding claim 6, Srinivasan further teaches the system wherein the means for providing the customer with a call back option includes means for providing a customer call back option (column 5, lines 17-19).

Regarding claim 7, Srinivasan further teaches the system wherein:

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the means for providing the customer with an option to call back the call center during a specified time period (column 5, lines 21-24); and

the means for establishing the second call includes means for establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

Regarding claim 8, Srinivasan further teaches the system wherein the means for providing the customer with a call includes means for providing a call center call back option (column 5, lines 17-19).

Regarding claim 9, Srinivasan further teaches the system wherein:

the means for providing a call center call back option includes means for providing the customer with an option of having the call center call back the customer during a specified time period (column 5, lines 21-24); and

the means for establishing the second call includes means for establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

Regarding claim 10, Srinivasan further teaches the system wherein the means for providing the customer call back option and the means for establishing the second call include a call back service platform in communication with the automatic call distributor (column 7, lines 26-41).

Regarding claim 11, Srinivasan further teaches the system wherein:

the means for providing the customer call back option includes an incoming call processing module in communication with the automatic call distributor (Fig. 2, 201+202); and

the means for establishing the second call includes a return call processing module in communication with the automatic call distributor (Fig. 2, 204).

Regarding claim 12, Srinivasan further teaches the system wherein the incoming call processing module is for playing a message providing the customer with the call back option in response to the automatic call distributor receiving the first call, and for detecting a response by the customer to the message (Fig. 2, 108).

Regarding claim 13, Srinivasan further teaches the system wherein the return call processing module is for placing the second call to the customer when it is determined that the customer accepted the call back option (column 6, lines 40-51).

Regarding claim 15, Srinivasan further teaches the system wherein at least one of the first and second communications links includes a trunk circuit (Fig. 1, 105).

Regarding claim 16, Srinivasan teaches a system for providing a call back option to a customer of a call center, comprising:

- a telecommunications switch (Fig. 1, 100);

- an automatic call distributor in communication with the telecommunications switch via first and second communications links (Fig. 1, 105); and

- a call back service platform in communication with the automatic call distributor (Fig. 2).

Regarding claim 17, Srinivasan further teaches the system wherein:

- the telecommunications switch is for routing a first call to the call center from the customer to the automatic call distributor via the first communications link (column 3, line 50 through column 4, line 34); and

- the call back service platform is for providing the customer with a call back option in response to the first call from the customer, and for establishing a second call between the

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automatic call distributor and the customer over the second communications link when it is determined that the customer accepted the call back option (column 7, lines 26-41).

Regarding claim 18, Srinivasan further teaches the system wherein the call back service platform is further for providing the customer with an option of having the call center call back the customer during a specified time period. for determining whether the customer accepted the call back option, and for establishing the second call during the specified time period when it is determined that the customer accepted the call back option (column 6, line 65 through column 7, line 40).

Regarding claim 19, Srinivasan teaches a call center, comprising:

an automatic call distributor (Fig. 1, 110); and

a call back service platform in communication with the automatic call distributor, wherein the call back is for providing a customer with a call back option in response to a first call from the customer to the automatic call distributor over a first communications link (column 3, line 50 through column 4, line 34), and for establishing a second call between the customer and the automatic call distributor over a second communications link when it is determined that the customer accepted the call back option (column 7, lines 26-41).

Regarding claim 20, Srinivasan further teaches the call center wherein the call back service platform is further for providing the customer with an option of having the call center call back the customer during a specified time period, for determining whether the customer accepted the call back option, and for establishing the second call during the specified time period when it is determined that the customer accepted the call back option (column 6, line 65 through column 7, line 40).

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Regarding claim 28, Srinivasan teaches a method for providing a call back option to a customer of a call center, comprising:

routing a first call from the customer to the call center over a first communications link (Fig. 1);

providing the customer with a call back option in response to the first call from the customer to the call center (column 3, line 50 through column 4, line 34); and

establishing a second call between the call center and the customer over a second communications link when the customer accepts the call back option (column 7, lines 26-41).

Regarding claim 29, Srinivasan further teaches the method wherein providing the customer with a call back option includes providing the customer with a call back option when the call center is busy (column 2, lines 23-30).

Regarding claim 30, Srinivasan further teaches the method wherein providing the customer with a call back option when the call center is busy includes providing the customer with a call back option based on the time of the first call from the customer (column 2, lines 15-18).

Regarding claim 31, Srinivasan further teaches the method wherein providing the customer with a call back option when the call center is busy includes providing the customer with a call back option based on an indication from the call center (column 4, lines 57-67).

Regarding claim 32, Srinivasan further teaches the method wherein providing the customer with a call back option includes: playing a message for the customer regarding the call back option and determining whether the customer accepts the call back option (column 5, lines 1-16).

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Regarding claim 33, Srinivasan further teaches the method wherein providing the customer with a call back option includes providing a customer call back option (column 5, lines 17-19).

Regarding claim 34, Srinivasan further teaches the method wherein:

providing a customer call back option includes providing the customer with an option to call back the call center during a specified time period (column 5, lines 21-24); and

establishing the second call includes establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

Regarding claim 35, Srinivasan further teaches the method wherein providing the customer with a call back option includes providing a call center call back option (column 5, lines 17-19).

Regarding claim 36, Srinivasan further teaches the method wherein:

providing a call center call back option includes providing the customer with an option of having the call center call back the customer during a specified time period (column 5, lines 21-24); and

establishing the second call includes establishing the second call during the specified time period (column 6, line 65 through column 7, line 40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 14 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan in view of Farris (U.S. Patent No. 5,692,033).

Regarding claims 14 and 21-27, Srinivasan teaches a system for providing a callback option to a customer of a call center as described in rejection above. The difference is that Srinivasan fails to teach Intelligent Network including a service control point and an intelligent peripheral in associated with call center to process incoming calls. However, Intelligent Network is well known in the art and taught by Farris (column 5, lines 36-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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incorporate the use of Intelligent Network taught by Farris to modify the system disclosed by Srinivasan in order to enables the call center to serve all calling parties in the queue as quickly as possible.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Livanos (U.S. Patent No. 5,311,574) teaches an automatic customer call back for automatic call distribution systems.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)
2121 Crystal Drive
Arlington, VA 22202.

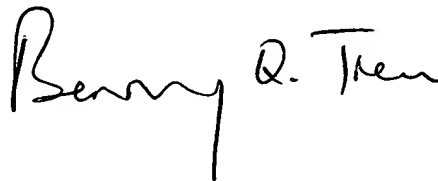
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink that reads "Benny Q. Tieu". The signature is written in a cursive style with a large, looped 'B' and a long, sweeping tail on the 'T'.

BENNY TIEU
PRIMARY EXAMINER

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January 30, 2004